

Application Serial No. 10/724,782
Amdt. dated August 30, 2004
Reply to Office Action of April 30, 2004

REMARKS/ARGUMENTS

In the Office Action dated April 30, 2004, the Examiner has rejected the subject matter of Claims 1-18 under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,453,644 B1 to Baker in view of U.S. Patent No. 4,422,565 to Reba. The references and the Examiner's rejection of the various claims are discussed in detail below.

The Examiner has objected to the Drawings under 37 C.F.R. 1.83(a). Specifically, the Examiner has requested that a container as recited in Claims 4 and 10, be shown in the drawings.

The Examiner has rejected Claims 6-9 and 15-18 under 35 U.S.C. §112, second paragraph.

In response to the rejections, Applicants have undertaken to submit a substitute drawing sheet of Figure 2 as Attachment A. Applicants have amended Figure 2 to include a container 33. Applicants direct the Examiner to page 5, paragraph 15, lines 5-10 which describes the container. Applicants have also amended paragraph 15 on page 5, lines 1-13 to properly reference the container 33 in amended Figure 2. Applicants aver that no new matter has been added.

Regarding the rejection of Claim 6 under 35 U.S.C. §112, second paragraph, Applicants have cancelled Claim 6 and submits new Claim 19. New Claim 19 includes the elements of original Claim 6 and now depends on Claim 1. Applicants have amended Claims 7, 8 and 9 to properly depend on new Claim 19.

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Applicants have amended Claim 1 so that the support includes a plurality of legs for contacting the surface and the pump is located vertically within a volume defined by the legs so that the conveyor is a self supporting device. Applicants direct the Examiner to page 4, lines 8-24 for support for the amendment to the claim. Applicants aver that no new matter has been added. Applicants respectfully request favorable reconsideration of Claims 1-5 and 7-19.

Applicants have added new Claim 20 to more specifically define the present invention. Applicants submit that support for the claim is found within the specification as originally presented. Applicants submit that the new claim was not motivated by the prior art and that no new matter has been added.

Claims 1-5 and 7-20 remain in the present application for continued prosecution.

Claims 1-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,453,644 B1 to Baker in view of U.S. Patent No. 4,422,565 to Reba. Regarding Claims 1 and 6, the Examiner concedes that the Baker '644 reference does not disclose a nozzle. The Examiner contends that the Reba '565 reference teaches a nozzle. Regarding Claims 3, 8 and 13, the Examiner contends that the Reba '565 reference teaches a curved deflector 40. The Examiner contends that it would have been obvious to modify the Baker '644 reference device to provide a nozzle in order to increase efficiency as taught by the Reba '565 reference.

Applicants respectfully submit that neither the Baker '644 reference nor the Reba '565 reference either alone or in combination with each other teach or suggest the present invention as defined in amended Claim 1. Specifically, neither of the cited references teach or suggest a support having a plurality of legs and a pump located vertically within a volume

defined by the legs so that the conveyor is self supporting. The claimed invention can be self supporting since the motor and pump are together and sufficiently weighty to provide a low center of gravity so that the conveyor including the upper curved section remains upright as set forth in the specification on page 4, lines 16-30. Applicants further note that Claim 1, either as originally presented or as amended, does not include a nozzle.

Applicants submit that the deflector as recited in Claims 3, 8 and 13 is not taught or suggested by either of the cited references. Specifically, the Reba `565 reference teaches using a plate 40 that relies on a Coanda effect to direct airflow laterally away from the conduit 12 opening. The Reba `565 reference does not teach or suggest a deflector that directs a chain of air filled packing pillows as defined in the claims of the present invention. To the contrary, the Reba `565 reference teaches away from the present invention and teaches that plate 40 does not touch the chain of pillows.

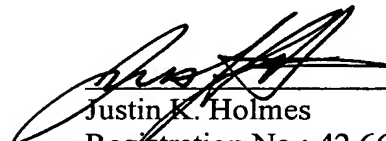
Finally, Applicants respectfully submit that the Reba `565 reference does not teach a nozzle positioned downstream from an air inlet end and upstream from the entrance aperture as defined in Claims 9, 13, 14 and 16-18. Specifically, the Reba `565 reference teaches a venturi diffuser 22 so that paper or plastic trim is directed in a downward direction and is assisted by gravity. Applicants submit that the Reba `565 reference teaches away from the present invention which uses the nozzle to direct a chain of air-filled packing pillows through a generally upwardly extending duct against gravity. Therefore, Applicants respectfully submit that one skilled in the art would not be motivated to combine the Reba `565 reference with the Baker `644 reference since the direction of flow of the chain of air-filled packing pillows is in an opposite direction in the Baker `644 reference.

Accordingly, Applicants submit that Claim 1, as amended, and those claims depending therefrom patentably distinguish over the prior art of record.

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In view of the foregoing amendment to the specification, drawings, claims as well as the remarks set forth above, Applicants respectfully submit that the present application is in all respects in condition for allowance, which action is earnestly solicited.

Respectfully submitted,


Justin K. Holmes
Registration No.: 42,666
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
JKH/mf
193847_1

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Amendments to the Drawings:

Applicants have amended Figure 2 to include reference to a container 33 as described in the specification. No new matter has been added. Applicants have attached a replacement drawing sheet to the amendment labeled as attachment A.

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ATTACHMENT A